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13 **UNITED STATES DISTRICT COURT**
14
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 TARA DUGGAN, et al.,

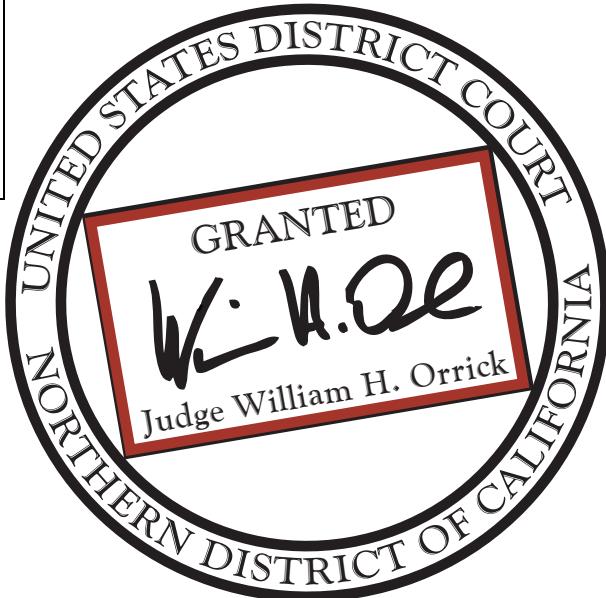
17 Case No. 3:19-cv-02562-WHO

18 Plaintiffs,

19 **STIPULATED REQUEST FOR ORDER**
20 **EXTENDING DISCOVERY AND CLASS**
21 **CERTIFICATION DEADLINES**

22 v.
23 TRI-UNION SEAFOODS, LLC,

24 Defendant.



1 Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Tara Duggan, et al. (“Plaintiffs”) and
2 Defendant Tri-Union Seafoods, LLC dba Chicken of the Sea International, Inc. (“COSI”) (Plaintiffs
3 and COSI are collectively referred to hereinafter as the “Parties” and separately as “Party”), by and
4 through their respective counsel of record hereby stipulate and agree as follows:

5 WHEREAS, on March 18, 2020, the Court entered an Order granting the Parties stipulated
6 schedule on discovery and class certification deadlines. [Dkt. No. 65]. That schedule created
7 deadlines for: substantial completion of document production related to non-expert class discovery
8 by December 31, 2020; completion of non-expert factual discovery (including depositions) and third-
9 party discovery by March 3, 2021; and Plaintiffs’ Motion for Class Certification and Plaintiffs’ Rule
10 26(a)(2) Expert Disclosures/Reports for Class Certification by June 4, 2021. The schedule also
11 included subsequent deadlines for class certification and related experts’ disclosures that followed.

12 WHEREAS, on November 24, 2020, the Parties submitted a joint Case Management
13 Statement. [Dkt No. 82]. In that statement, in light of challenges presented by the COVID-19
14 pandemic, the Parties proposed a new schedule to extend the deadlines for discovery and class
15 certification briefing and expert disclosures. Specifically, the proposed schedule requested deadlines
16 for: substantial completion of document production related to non-expert class discovery by March
17 31, 2021; completion of non-expert factual discovery (including depositions) and third-party
18 discovery by September 1, 2021; and Plaintiffs’ Motion for Class Certification and Plaintiffs’ Rule
19 26(a)(2) Expert Disclosures/Reports for Class Certification by December 1, 2021. The schedule also
20 included subsequent deadlines for class certification and related experts’ disclosures that followed.

21 WHEREAS, on December 1, 2020, the Court held a Case Management Conference, after
22 which the Court adopted the Parties’ proposed revised schedule. [Dkt. No. 84].

23 WHEREAS, the Parties have been working extremely hard to meet the current discovery
24 deadlines, including document production, third party discovery and the taking of depositions. The
25 Parties have also exchanged the names of the Party deponents each side intends to take. But
26 challenges, including the ongoing constraints of the COVID-19 pandemic and the unavailability of
27

1 witnesses to sit for depositions within the current discovery timeline, have caused the need for an
 2 extension. For example, Plaintiffs are still receiving document productions from third parties that
 3 were delayed by months due to pandemic related issues. The Parties have also encountered problems
 4 finding deposition dates that are acceptable to both sides and that also fit within the current discovery
 5 deadlines.

6 WHEREAS, the Parties have met and conferred and agreed on the following schedule which
 7 seeks brief extensions of certain deadlines set forth in the below table in light of these challenges.
 8 The Parties have further agreed that extending the “Deadline for completion of non-expert factual
 9 discovery (including depositions) and third-party discovery” is limited to the depositions of Party
 10 witnesses that each have already made the other side aware of by requesting deposition dates; except,
 11 COSI reserves its rights to take the depositions of third-parties Ric O’Barry and Femke Dem Hass
 12 within the limited non-expert factual discovery extension period set forth in this stipulation.

	Current Deadline	Proposed Deadline
14 Deadline for completion of non-expert factual discovery (including depositions) and third-party discovery:	September 1, 2021	Not applicable
16 Limited non-expert factual depositions as set forth in the stipulation above:	Not applicable	November 1, 2021
17 Plaintiffs’ Motion for Class Certification and Plaintiffs’ Rule 26(a)(2) Expert Disclosures/Reports for Class Certification:	December 1, 2021	February 1, 2022
19 Deadline for Depositions of Plaintiffs’ Class Certification Experts:	January 25, 2022	March 25, 2022
20 COSI’s Opposition to Plaintiffs’ Motion for Class Certification and COSI’s Rule 26(a)(2) Expert Disclosures/Reports for Class Certification:	February 22, 2022	April 22, 2022
22 Deadline for Depositions of COSI’s Class Certification Experts:	April 12, 2022	June 13, 2022
23 Plaintiffs’ Class Certification Reply Brief and Plaintiffs’ Rule 26(a)(2) Rebuttal Expert Disclosures/Reports for Class Certification:	May 6, 2022	July 6, 2022
25 Hearing on Plaintiffs’ Motion for Class Certification:	June 15, 2022	August 15, 2022 August 24, 2022

NOW, THEREFORE IN CONSIDERATION OF THE FOREGOING IT IS HEREBY STIPULATED AND REQUESTED by and between the Parties that the proposed deadlines in the foregoing schedule are adopted and that “Deadline for completion of non-expert factual discovery (including depositions) and third-party discovery” is limited to taking the depositions of the Party witnesses that each has already made the other side aware of by requesting deposition dates. COSI reserves its right to take the depositions of third-parties limited to Ric O’Barry and Femke Dem Haas within the limited discovery extension period ending November 1, 2021.

Dated: August 20, 2021

Respectfully submitted,

BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.

/s/Patricia N. Syverson

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15 Attorneys for Plaintiffs

16 Dated: August 20, 2021

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LOCAL RULE 5-1(i)(3) ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing of this Stipulated Request for Order Extending Discovery and Class Certification Deadlines, and have authorized the filing of this document.

Dated: August 20, 2021

By: /s/ Patricia N. Syverson

Patricia N. Syverson